




To the Honorable Council
City of Norfolk, Virginia


May 24, 2016

From: George M. Homewood, FAICP, CFM, Planning Director

Subject: **Zoning text amendment to section 2-3, "Definitions," of the *Zoning Ordinance* to amend the definition of "Day Care Home" to match the minimum number of children standard adopted in new state law changes.**

Reviewed: 
Ronald H. Williams, Jr., Deputy City Manager

Ward/Superward: Citywide

Approved: 
Marcus D. Jones, City Manager

Item Number: **PH-4**

- I. **Staff Recommendation:** Approval.
- II. **Commission Action:** By a vote of **7 to 0**, the Planning Commission recommends **Approval**.
- III. **Request:** This request would amend the definition of "Day care home" as defined within the City's *Zoning Ordinance*, to adjust the minimum number of children that defines care within a home as a "day care home," in order to remain consistent with recent changes to Virginia state law.
- IV. **Applicant:** City Planning Commission
- V. **Description:**
 - In 2015, the Virginia General Assembly modified the minimum qualifying criteria regulating day care homes to promote more oversight of day care homes within the Commonwealth.
 - The modified law goes into effect Statewide on July 1, 2016, and the change will require residential dwellings to be considered a day care home if the care and maintenance is provided to more than four children, whereas previously the threshold was a minimum of five children.
 - Proposed revision: *Day care home. The secondary use of a one-family residential dwelling in which care and maintenance is provided to more than ~~five-four~~ (54) but not more than twelve (12) children who are separated from their guardians during part of the day and does not employ more than one (1) person who does not reside in the home.*
- VI. **Historic Resources Impacts**
N/A

VII. Public Schools Impacts

N/A

Staff point of contact: Matthew Simons at 664-4750, matthew.simons@norfolk.gov

Attachments:

- Staff Report to CPC dated April 28, 2016 with attachments
- Proponents and Opponents
- Ordinance

Proponents and Opponents

Proponents

None

Opponents

None

Planning Commission Public Hearing: April 28, 2016

Executive Secretary: George M. Homewood, FAICP, CFM *[Signature]*

Planner: Matthew Simons, AICP, CZA, CFM *[Signature]*

Staff Report	Item No. 5	
Applicant	City Planning Commission	
Request	Zoning Text Amendment	Zoning text amendment to section 2-3, "Definitions," of the <i>Zoning Ordinance</i> to amend the definition of "Day Care Home" to match the minimum number of children standard adopted in new state law changes.

A. Summary of Request

- The request would amend the definition of "Day care home" as defined within the City's *Zoning Ordinance*, to adjust the minimum number of children that defines care within a home as a "day care home," in order to remain consistent with recent changes to Virginia state law.
- Proposed revision: *Day care home. The secondary use of a one-family residential dwelling in which care and maintenance is provided to more than ~~five~~ four (54) but not more than twelve (12) children who are separated from their guardians during part of the day and does not employ more than one (1) person who does not reside in the home.*

B. Plan Consistency

- The Enhancing Economic Vitality chapter of *plaNorfolk2030* includes an action calling for modifications to city processes, including zoning requirements, to support business investment.
 - The proposed changes to the *Zoning Ordinance* are consistent with the recommendations of that action.

C. Zoning Analysis

- In 2015, the Virginia General Assembly modified the minimum qualifying criteria regulating day care homes to promote more oversight of day care homes within the Commonwealth.
- The modified law goes into effect Statewide on July 1, 2016, and the change will require residential dwellings to be considered a day care home if the care and maintenance is provided to more than four children, whereas previously the threshold was a minimum of five children.
 - The minimum number of children has not included those children who reside within the home and that provision will not change with this amendment.
- In order to address any potential impacts to neighbors, a special exception will still be required for day care homes with between five to nine children on any residential lot

between 5,000-5,999 square feet in lot area and developed with a single-family home with a minimum of 1,200 square feet.

- A new Certificate of Occupancy will still be required to ensure that the home can safely accommodate the increase in children within the home.

D. Transportation Impacts

N/A

E. Historic Resources Impacts

N/A

F. Public Schools Impacts

N/A

G. Environmental Impacts

N/A

H. AICUZ Impacts

N/A

I. Surrounding Area/Site Impacts

- The minimum lot size criteria will still be required, currently defined as:
 - Lots with at least 10,000 square feet – up to twelve children permitted by-right.
 - Lots with at least 6,000 square feet – up to nine children permitted by-right.
 - Lots with at least 5,000 square feet but less than 6,000 square feet - up to nine children permitted by special exception.

J. Payment of Taxes

N/A

K. Civic League

N/A

L. Communication Outreach/Notification

Legal notification was placed in *The Virginian-Pilot* on April 14 and April 21.

M. Recommendation

Staff recommends that the text amendment request be **approved**.

Attachments:

Proposed text

Proponents and Opponents

Proponents

None

Opponents

None

04/22/2016 lds

Form and Correctness Approved:

RAV

By

[Signature]
Office of the City Attorney

Contents Approved:

M.S.

By

DEPT.

[Signature]

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE TO AMEND SECTION 2-3 OF THE ZONING ORDINANCE OF THE CITY OF NORFOLK, 1992, SO AS TO ADJUST THE DEFINITION FOR "DAY CARE HOME" TO MAINTAIN CONSISTENCY WITH AMENDMENTS TO STATE LAW REFORMING THE REGULATION OF CHILD CARE PROVIDERS.

- - -

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That Section 2-3 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), entitled "Definitions," is hereby amended and reordained so as to alter the definition for "Day Care Home" to maintain consistency with amendments to state law reforming the regulation of child care providers. The definition shall read as forth in "Exhibit A," attached hereto.

Section 2:- The Council hereby finds that this zoning amendment is required by public necessity, convenience, general welfare, or good zoning practice.

Section 3:- That this ordinance shall be in effect from the date of its adoption.

ATTACHMENT:

Exhibit A (1 page)

Exhibit A

2-3 Definitions.

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Day care home. The secondary use of a one-family residential dwelling in which care and maintenance is provided to more than four (4) but not more than twelve (12) children who are separated from their guardians during part of the day and does not employ more than one (1) person who does not reside in the home.

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